

HOUSE No. 96

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others for legislation to further regulate the use of electronic communications in campaigns for public office. Election Laws.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Susan Williams Gifford
Mary S. Rogeness	Robert S. Hargraves
George N. Peterson, Jr.	Daniel K. Webster
John A. Lepper	Paul J.P. Loscocco
Viriato Manuel deMacedo	Shirley Gomes
Elizabeth A. Poirier	Michael J. Coppola
Donald F. Humason, Jr.	Todd M. Smola
Susan W. Pope	

In the Year Two Thousand and Five.

AN ACT RELATIVE TO ELECTIONEERING COMMUNICATIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 1 of chapter 55 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 inserting after the definition of “Election” the following defini-
4 tion:—
5 “Electioneering communication” shall mean any broadcast,
6 cable or satellite or print communication that fulfills each of the
7 following conditions:
8 a) the communication refers to a clearly identified candidate;
9 and
10 b) the communication is publicly distributed 80 days prior to
11 the general election.
12 The following communications are exempt from the definition
13 of “electioneering communication”:

- 14 a) a communication that is disseminated through a means
15 other than a broadcast station, radio station, cable television
16 system or satellite system or print;
17 b) news story, commentary or editorial broadcast by a televi-
18 sion station, radio station, cable television system or satellite
19 system;
20 c) expenditures or independent expenditures or contributions
21 that must otherwise be reported;
22 d) a communication from a private organization exclusively to
23 its members, otherwise known as a membership communication;
24 e) candidate debates or forums; and
25 f) internet.

1 SECTION 2. Said section 1 of chapter 55, as so appearing, is
2 hereby amended by inserting after the definition of “Candidate’s
3 committee” the following definition:—

4 “Clearly identified candidate”, a candidate whose name, photo
5 or drawing appears in a communication or a candidate’s identity is
6 apparent by unambiguous reference in a communication.

1 SECTION 3. Section 8 of said chapter 55, as so appearing, is
2 hereby amended by inserting after the second paragraph the
3 following new paragraph:—

4 No individual, group or association not defined as a political
5 committee shall solicit or receive from such corporation or such
6 holders of stock any gift, payment, expenditure, contribution or
7 promise to give, pay, expend or contribute for use for an election-
8 eering communication or communications.

1 SECTION 4. Said chapter 55, as so appearing, is hereby
2 amended by inserting after section 18C the following new
3 section:—

4 Section 18D. Every individual, group or association not
5 defined as a political committee, who makes an electioneering
6 communication or communications, in an aggregate amount
7 exceeding \$100, shall file with the director, or with the city or
8 town clerk if such candidate or candidates seek public office at a
9 city or town election and is a non-depository candidate, within 7
10 business days after making such electioneering communication or

11 communications, electronically to the office of campaign and
12 political finance, or on a form prescribed by the director for those
13 candidates not required to submit campaign finance reports elec-
14 tronically, a report stating the name and address of the individual,
15 group or association making the communication or communica-
16 tions; the name of the candidate clearly identified in the communi-
17 cation; the total amount or value; the name and address of the
18 vendor to whom the payments are made; the name and address of
19 the people that the vendor has received payments from, if such
20 payments were made specifically for political purposes; and the
21 purpose and date of the expenditure or expenditures.